

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

EON CORP. IP HOLDINGS, LLC,

Plaintiff,

-against-

T-MOBILE USA, INC., CINCINNATI BELL,  
INC., RESEARCH IN MOTION  
CORPORATION., NOKIA INC., BEST BUY  
CO., INC., WAL-MART STORES, INC.,  
COSTCO WHOLESALE CORPORATION,  
OVERSTOCK.COM, INC., SEARS  
ROEBUCK AND CO., AMAZON.COM,  
INC., RADIOSHACK CORPORATION,  
AIRVANA, INC., ALCATEL-LUCENT USA  
INC., D-LINK SYSTEMS, INC.,  
INTELLINET TECHNOLOGIES, INC.,  
ACME PACKET INC., JUNIPER  
NETWORKS, INC., SAMSUNG  
TELECOMMUNICATIONS AMERICA  
LLC, AND VERIZON COMMUNICATIONS  
INC. D/B/A VERIZON WIRELESS, AND  
CELLCO PARTNERSHIP D/B/A VERIZON  
WIRELESS,

Defendants.

Civil Action No. 6:10-cv-00379-LED

Jury Trial Requested

**NOTICE REGARDING STATUS OF ALCATEL-LUCENT'S MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT PURSUANT TO RULE 12(B)**

Defendant Alcatel-Lucent USA Inc. ("ALU" or "Defendant") moved to dismiss Plaintiff Eon Corp. IP Holdings, LLC's ("Eon" or "Plaintiff") Complaint pursuant to Rule 12(b) on October 29, 2010. Dkt. 111. In response, Plaintiff Eon filed a third Amended Complaint (Dkt. 156) and a tardy Response in Opposition to Defendants' Motion to Dismiss (Dkt. 157). Eon did not seek leave to file its third Amended Complaint as required by the Federal Rule of Civil Procedure 15(a) and did not request an extension to respond to ALU's Motion to Dismiss. However, ALU recognizes that this

Court generally allows parties to amend their pleadings without leave for some period of time after a case management conference, which has not yet occurred in this matter. Thus, ALU recognizes the third Amended Complaint as the operative complaint against ALU in this matter. Accordingly, ALU notifies the Court that it will not file a reply brief in further support of its Motion to Dismiss, and instead shall respond to the third Amended Complaint in the time period provided by the Local Rules and Federal Rules of Civil Procedure.

DATED: 11/29/2010

By: /s/ Brian Craft

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ATTORNEY FOR ALCATEL-LUCENT USA INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on November 29, 2010, I electronically filed the foregoing **NOTICE REGARDING STATUS OF ALCATEL-LUCENT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO RULE 12(B)** with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/ Brian Craft  
Brian Craft